

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB- 330 (Sub No. 4X)

April 15, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☒ (X) Notice of Exemption ☐ () Petition for Exemption ☐ () Regulated Abandonment

☐ () NO NEW COMMENTS WERE RECEIVED

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OEA served an Environmental Assessment (EA) for this proceeding on October 15, 2010, for public review and comment. In the EA, OEA recommended 1 environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Summary

By decision served on November 9, 2010, the Board granted a notice for exemption for Otter Tail Valley Railroad Company, Inc., to abandon 0.822 miles of rail line between milepost 48.422, near Fergus Falls, and milepost 47.60, near Hoot Lake, in Otter Tail County MN, subject to a single condition. The environmental condition imposed in the decision required OTVR to "retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. The Otter Tail Valley Railroad Company, Inc., shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Minnesota Historical Society and the public. The Otter Tail Valley Railroad Company, Inc., may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition."

Otter Tail Valley Railroad Company, Inc., submitted a historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Minnesota State Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). In a letter dated April 5, 2011, the SHPO states that based on the additional information provided by Otter Tail Valley Railroad Company, Inc., that it concurs with the Board's determination that the abandonment would have no adverse effect on the Northern Pacific Railroad Wadena to Breckenridge Segment nor on the Hoot Lake Project Power Plant, both of which have been determined eligible for listing in the National Register of Historic Places. The SHPO states that this concludes the Section 106 review for this project.

the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's historic report, all relevant correspondence, and this Environmental Assessment, which have been provided to the SHPO and made available to the public.

Therefore, in accordance with 36 CFR 800.4(d), the Board's responsibilities under Section 106 are fulfilled.

Accordingly, we recommend that the Section 106 condition be removed. Please feel free to contact me if you have any questions.

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Cc Original to Ann Newman, Office of Proceedings
Copies furnished to OEA Chron and ECT